

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANTHONY EUGENE LEWIS,

Plaintiff,

vs.

ELDON VAIL, et al.,

Defendants.

NO. CV-09-5047-EFS

**ORDER DENYING MOTION**

BEFORE THE COURT is a "Motion for an Order of Protection to Restrain Washington State Penitentiary's Superintendents Steve Sinclair, Mark Kucza and Various Staff Employees from Conspiracy and Retaliation to Deprive Plaintiff Access to the Prison's Law Library" (Ct. Rec. 29). This motion was filed on August 31, 2009 (Ct. Rec. 29), and improperly noted for hearing on August 28, 2009. Plaintiff is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

At the time Mr. Lewis filed his motion he had not yet filed a legally sufficient complaint. The Court has no jurisdiction to address a motion if the Plaintiff has not filed a legally sufficient complaint. See generally Fed. R. Civ. P. 3 & notes. Furthermore, Defendants are not parties to a suit before being served with process, see *Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir.1995). Therefore, **IT IS HEREBY ORDER DENYING MOTION -- 1**

1 **ORDERED** Plaintiff's motion (**Ct. Rec. 29**) is **DENIED**.

2 **IT IS SO ORDERED.** The District Court Executive is directed to  
3 enter this Order and forward a copy to Plaintiff.

4 **DATED** this 28th day of January 2010.

5  
6 s/Edward F. Shea  
7 EDWARD F. SHEA  
8 UNITED STATES DISTRICT JUDGE

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